



General Assembly

February Session, 2000

Amendment

LCO No. 5119

Offered by:

REP. SAWYER, 55th Dist.
REP. RORABACK, 64th Dist.
REP. PRELLI, 63rd Dist.
REP. AMANN, 118th Dist

REP. FONTANA, 87th Dist.
REP. OREFICE, 37th Dist.
REP. KNOPP, 137th Dist.

To: Subst. House Bill No. 5427

File No. 442

Cal. No. 343

"An Act Concerning Housing On Farmland."

1 In line 1, before "Subsection" insert "Section 1."

2 After line 27, add the following:

3 "Sec. 2. Section 20-327b of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) Except as otherwise provided in this section, each person who
6 offers residential property in the state for sale, exchange or for lease
7 with option to buy, shall provide a written residential condition report
8 to the prospective purchaser at any time prior to the prospective
9 purchaser's execution of any binder, contract to purchase, option, or
10 lease containing a purchase option. A photocopy, duplicate original,
11 facsimile transmission, or other exact reproduction or duplicate of the
12 written residential condition report containing the prospective
13 purchaser's written receipt shall be attached to any written offer,

14 binder or contract to purchase. A photocopy, duplicate original,
15 facsimile transmission or other exact reproduction or duplicate of the
16 written residential condition report containing the signatures of both
17 seller and purchaser, shall be attached to any agreement to purchase
18 the property.

19 (b) The following shall be exempt from the provisions of this
20 section: (1) Any transfer from one or more co-owners solely to one or
21 more of [his] the co-owners; (2) transfers made to the spouse, mother,
22 father, brother, sister, child, grandparent or grandchild of the
23 transferor where no consideration is paid; (3) transfers pursuant to an
24 order of the court; (4) transfers of newly-constructed residential real
25 property for which an implied warranty is provided under chapter
26 827; (5) transfers made by executors, administrators, trustees or
27 conservators; (6) transfers by the federal government, any political
28 subdivision thereof or any corporation, institution or quasi-
29 governmental agency chartered by the federal government; (7)
30 transfers by deed in lieu of foreclosure; (8) transfers by the state of
31 Connecticut or any political subdivision thereof; (9) transfers of
32 property which was the subject of a contract or option entered into
33 prior to January 1, 1996; and (10) any transfer of property acquired by
34 a judgment of strict foreclosure or by foreclosure by sale or by a deed
35 in lieu of foreclosure.

36 (c) The provisions of this section shall apply only to transfers by
37 sale, exchange or lease with option to buy, of residential real property
38 consisting of not less than one nor more than four dwelling units
39 which shall include cooperatives and condominiums, and shall apply
40 to all transfers, with or without the assistance of a licensed real estate
41 broker or salesperson, as defined in section 20-311, as amended.

42 (d) (1) On or before January 1, 1996, the Commissioner of Consumer
43 Protection, shall, by regulations adopted in accordance with the
44 provisions of chapter 54, prescribe the form of the written residential
45 disclosure report required by this section and sections 20-327c to 20-
46 327e, inclusive.

47 (2) Such form of the written residential disclosure report shall
48 contain the following:

49 (A) A certification by the seller in the following form:

50 "To the extent of the seller's knowledge as a property owner, the
51 seller acknowledges that the information contained above is true and
52 accurate for those areas of the property listed. In the event a real estate
53 broker or salesperson is utilized, the seller authorizes the brokers or
54 salespersons to provide the above information to prospective buyers,
55 selling agents or buyers' agents.

56 (Date) (Seller)

57 (Date) (Seller)"

58

59 (B) A certification by the buyer in the following form:

60 "The buyer is urged to carefully inspect the property and, if desired,
61 to have the property inspected by an expert. The buyer understands
62 that there are areas of the property for which the seller has no
63 knowledge and that this disclosure statement does not encompass
64 those areas. The buyer also acknowledges that the buyer has read and
65 received a signed copy of this statement from the seller or seller's
66 agent.

67 (Date) (Buyer)

68 (Date) (Buyer)"

69

70 (C) A statement concerning the responsibility of real estate brokers
71 in the following form:

72 "This report in no way relieves a real estate broker of [his or her] the
73 broker's obligation under the provisions of section 20-328-5a of the
74 Regulations of Connecticut State Agencies to disclose any material
75 facts. Failure to do so could result in punitive action taken against the
76 broker, such as fines, suspension or revocation of license."

77 (D) A statement that any representations made by the seller on the

78 written residential disclosure report shall not constitute a warranty to
79 the buyer.

80 (E) A statement that the written residential disclosure report is not a
81 substitute for inspections, tests and other methods of determining the
82 physical condition of property.

83 (F) Information concerning environmental matters such as lead,
84 radon, subsurface sewage disposal and such other topics as the
85 Commissioner of Consumer Protection may determine would be of
86 interest to a buyer.

87 (G) A statement that the real estate licensee and seller have no duty
88 to investigate or disclose any information concerning the residence
89 address of a person convicted of a crime but that such information may
90 be available from law enforcement agencies or the Department of
91 Public Safety and that the Department of Public Safety maintains a site
92 on the Internet listing information about the residence address of
93 persons required to register under sections 54-251, as amended, 54-252,
94 as amended, 54-253, as amended, or 54-254, as amended, who have so
95 registered.

96 (e) On or after January 1, 1996, the Commissioner of Consumer
97 Protection shall make available the residential disclosure report
98 prescribed in accordance with the provisions of this section and
99 sections 20-327c to 20-327e, inclusive, to the Division of Real Estate, all
100 municipal town clerks, the Connecticut Association of Realtors, Inc.,
101 and any other person or institution that the commissioner believes
102 would aid in the dissemination and distribution of such form. The
103 commissioner shall also cause information concerning such form and
104 the completion of such form to be disseminated in a manner best
105 calculated, in the commissioner's judgment, to reach members of the
106 public, attorneys and real estate licensees.

107 Sec. 3. (NEW) A real estate broker, real estate salesperson or seller
108 shall have no duty to investigate or disclose any information
109 concerning the residence address of a person convicted of a crime."